

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et	§	
al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION NO. 5:21-CV-00844-XR
v.	§	(Consolidated Cases)
	§	
GREGORY W. ABBOTT, et al.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT HARRIS COUNTY DISTRICT ATTORNEY
KIM OGG’S JOINDER IN OPPOSITION TO PRIVATE PLAINTIFFS’
MOTION FOR EXTENSION OF TIME AND MISCELLANEOUS RELIEF**

Defendant Kim Ogg, in her official capacity as Harris County District Attorney (“District Attorney Ogg”), joins the opposition (Dkt. 704) to Private Plaintiffs’ motion for extension of time and miscellaneous relief (Dkt. 703), and would respectfully show as follows:

Private Plaintiffs filed the motion for extension of time without adequate conference with counsel for defendants, including those representing District Attorney Ogg. The parties have conferred on various pretrial matters, including on witness designations and exhibits and extensions of pretrial deadlines. As the Court is aware, these conferences have led to at least one advisory of an agreement to extend a pretrial disclosure deadline. At no time during these conferences did Private Plaintiffs raise a concern about the August 11 deadline for disclosure of

trial witnesses set by the Court. Counsel for District Attorney Ogg have remained available for conference and have participated in conferences as the case proceeds toward trial.¹

District Attorney Ogg also notes that the United States (through DOJ) did not join the motion for extension of time.

As with other objections filed to the Private Plaintiffs' motion, District Attorney Ogg is concerned that Private Plaintiffs' proposal will adversely affect the ability of the parties to meet the Court's overall stated interests in planning for an efficient use of the Court's trial time. This is true for limited-role defendants such as District Attorney Ogg. It will help all limited-role defendants such as District Attorney Ogg to engage in efficient trial preparation and presentation to know which witnesses Private Plaintiffs will present (and when)—if any—that potentially implicate them. District Attorney Ogg recognizes that efficient trial preparation and presentation by all parties was a goal of the Court in having set the August 11 deadline.

Of course, District Attorney Ogg would have agreed professionally to a short extension of the August 11 deadline, if needed, had conference on Private Plaintiffs' request been conducted in a meaningful way.

Accordingly, District Attorney Ogg opposes the Private Plaintiffs' motion for extension of the August 11 deadline, and respectfully contends that the Court should deny the motion, subject to further discussions among the parties.

¹As the Court is aware, District Attorney Ogg has a limited role in the case, as she is currently a defendant only (per the Court's prior orders) as to claims made by certain of the Private Plaintiffs with respect to provisions of S.B. 1 that add to or amend existing provisions of the Texas Election Code in a manner that Private Plaintiffs claim concern the State's criminal laws.

Respectfully submitted,

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By: /s/ Eric J.R. Nichols

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**ATTORNEYS FOR DEFENDANT
DISTRICT ATTORNEY KIM OGG,
IN HER OFFICIAL CAPACITY AS
HARRIS COUNTY DISTRICT
ATTORNEY**

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2023, a true and correct copy of the foregoing document was served on all counsel of record by filing with the Court's CM/ECF system.

/s/ Eric J.R. Nichols

Eric J.R. Nichols